

ESTTA Tracking number: **ESTTA306670**

Filing date: **09/17/2009**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

### Petitioner Information

Name	Star Industries, Inc.		
Entity	Corporation	Citizenship	New York
Address	1425 Underhill Blvd. Syosset, NY 11791 UNITED STATES		

Attorney information	Louis S. Ederer Arnold & Porter LLP 399 Park Avenue New York, NY 10023 UNITED STATES trademarkdocketing@aporter.com, alisa.cahan@aporter.com Phone:212-715-1000
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### Registration Subject to Cancellation

Registration No	2805962	Registration date	01/13/2004
Registrant	WWRD IRELAND IPCO LLC 2711 CENTERVILLE ROAD SUITE 400 WILMINGTON, DE 19808 UNITED STATES		

### Goods/Services Subject to Cancellation

Class 033. First Use: 2002/09/06 First Use In Commerce: 2002/09/06  
All goods and services in the class are cancelled, namely: Wines

### Grounds for Cancellation

Deceptiveness	Trademark Act section 2(a)
False suggestion of a connection	Trademark Act section 2(a)

### Mark Cited by Petitioner as Basis for Cancellation

U.S. Application No.	78896322	Application Date	05/30/2006
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	WATERFORD		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 033. First use: First Use: 1981/00/00 First Use In Commerce: 1981/00/00 gin

Attachments	78896322#TMSN.jpeg ( 1 page )( bytes ) Petition to Cancel.WATERFORD.2805962.pdf ( 5 pages )(196408 bytes )
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### Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/acahan/
Name	Alisa Cahan
Date	09/17/2009

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Registration No. 2,805,962  
For the mark: WATERFORD VINEYARDS

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STAR INDUSTRIES, INC.	:	
<i>Petitioner,</i>	:	<b>CANCELLATION NO.:</b>
- against -	:	
WWRD IRELAND IPCO LLC	:	
<i>Respondent.</i>	:	
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**PETITION TO CANCEL**

Star Industries, Inc. (“Star” or “Petitioner”), located at 1425 Underhill Blvd., Syosset, New York, 11791, believes that is and will continue to be damaged by the registration of WATERFORD VINEYARDS, Registration No. 2,805,962, which issued January 13, 2004, with a Supplemental Register date of October 28, 2003 (the “Registration”) to the predecessor in interest of WWRD Ireland IPCO LLC, a Delaware corporation located at 2711 Centerville Road, Suite 400, Wilmington, Delaware, 19808 (“Respondent”), and hereby petitions to cancel the same pursuant to Section 14 of the Lanham Act, 15 U.S.C. § 1064.

As grounds for cancellation, Petitioner alleges:

1. Since at least as early as 1987, Petitioner has distributed, offered for sale, and sold in commerce in the United States gin under the trademark WATERFORD.

2. By reason of Petitioner's efforts, the public and trade have come to recognize the WATERFORD trademark as signifying Petitioner and the products offered under the WATERFORD mark, and Petitioner enjoys valuable goodwill in connection with the goods offered under and in connection with the WATERFORD trademark.

3. Petitioner filed U.S. trademark application serial number 78/896,322 for this trademark in International Class 33 for gin on May 30, 2006. A certified copy of this application will be filed during Petitioner's testimony period.

4. On March 12, 2003, Respondent's predecessor in interest, Waterford Vineyards LLC located in Waterford, Virginia filed an application to register WATERFORD VINEYARDS for "wine" in International Class 33 (hereinafter "Respondent's Mark") based on Section 1(b) of the Lanham Act.

5. On August 13, 2003, the U.S. Patent and Trademark Office issued a refusal to register Respondent's Mark under Section 2(e)(2) of the Lanham Act on the grounds that the mark was primarily geographically descriptive of the Respondent's goods, as the goods derive from Waterford, Virginia.

6. On September 7, 2003, Respondent filed the requisite specimen and Allegation of Use claiming a first use date of the mark September 6, 2002. The specimen of use showed Respondent's Mark on a wine bottle label. Respondent amended its application to the Supplemental Register and stated that WATERFORD represents the geographic area where its winery is located.

7. On October 2, 2003, a Notice of Acceptance of Registrant's Statement of Use was issued and on January 13, 2004, Respondent's Mark was registered as U.S. Trademark Reg. No. 2,805,962 with a Supplemental Register date of October 28, 2003.

8. Respondent's Mark is confusingly similar in sight, and impression to Petitioner's WATERFORD mark, which has been used in interstate commerce prior to any use by Respondent.

9. The goods for which Respondent has registered Respondent's Mark is related to the goods for which Petitioner has been selling under the WATERFORD trademark for the past twenty-two years.

10. Upon information and belief, Respondent's goods are marketed through the same channels of trade and/or to the same class of consumers as the goods of Petitioner.

11. Prospective purchasers of Respondent's goods are likely to erroneously believe that such goods are produced by or under the authority of Petitioner, or to erroneously assume that there is some other trade connection between Petitioner and Respondent.

12. Respondent's Mark so resembles Petitioner's WATERFORD, that when used on or in connection with the goods of Respondent:

(a) It is likely to cause confusion, or to cause mistake, or to deceive;

(b) It falsely suggests a connection with Petitioner;

(c) It tends to damage Petitioner's goodwill in the WATERFORD trademark;

and

(d) It is likely to dilute the distinctive qualities of the WATERFORD trademark.

WHEREFORE, Petitioner prays that its Petition to Cancel Registration No. 2,805,962 be granted.

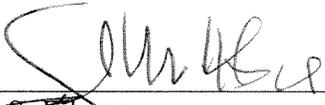
The Commissioner is authorized to charge fees for the Notice of Opposition and any additional required fees to the undersigned's Deposit Account No. 502387.

Please recognize Louis S. Ederer, John Maltbie, and Alisa Cahan, who are members of the Bar of the State of New York and the firm Arnold & Porter LLP, located at 399 Park Avenue, New York, New York 10022, as attorneys for Opposer.

RESPECTFULLY SUBMITTED,

ARNOLD & PORTER LLP

Dated: September 17, 2009

By: 

Louis S. Ederer

John Maltbie

399 Park Avenue

New York, New York 10022

Telephone: (212) 715-1000

Facsimile: (212) 715-1369

E-mail: trademarkdocketing@aporter.com

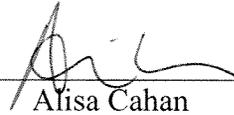
ATTORNEY FOR OPPOSER

Star Industries, Inc.

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on September 17, 2009 a copy of the foregoing PETITION TO CANCEL has been served upon counsel for Applicant, Bassam N. Ibrahim, at Buchanan Ingersoll and Rooney, PC, P.O. Box 19248, Alexandria VA 22320, the address designated by said attorney for that purpose by depositing a true copy thereof with the United States Postal Service as First-Class Mail on September 17, 2009.

Dated: September 17, 2009



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Alisa Cahan